

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAUL LONGORIA,	)	Case No. 08:21-CV-00362
	)	
Plaintiff,	)	
	)	<b>QUALIFIED PROTECTIVE ORDER</b>
vs.	)	<b>PURSUANT TO HIPAA</b>
	)	
CITY OF FREMONT, ANDREW	)	
DIXSON, Individually and in his official	)	
capacity as a police officer, DOMINIC	)	
SAVIO, individually and in his official	)	
capacity as a police sergeant,	)	
	)	
Defendants.	)	

This Matter having come before the Court on the Motion of Defendants for the entry of a Qualified Protective Order, due notice hereof been given, and the Court being fully advised in the premises, hereby finds and orders as follows:


IT IS HEREBY ORDERED:

1. The current parties and their attorneys and any future parties and their attorneys to the above-captioned matter are hereby authorized to receive, subpoena, and transmit “protected health information” (also referred to as “PHI”) pertaining to the above-named Plaintiff, RAUL LONGORIA (“Plaintiff”), to the extent and subject to the conditions outlined herein.
2. For the purposes of this Qualified Protective Order, “PHI” or “protected health information” shall have the same scope and definition as set forth in 45 CFR §160.103, including all applicable subsets. Without limiting the generality of the foregoing, “PHI” includes but is not limited to, health information including physical health, mental health, and demographic information, relating to the provision of care to an individual.
3. All “covered entities” (as defined by 45 CFR §160.103) are hereby authorized to disclose PHI pertaining to the aforementioned Plaintiff and to all attorneys now of record in this matter or who may become of record in the future of this litigation.
4. The parties and their attorneys shall be permitted to use the PHI of the aforementioned Plaintiff in any manner that is reasonably connected with the above-captioned litigation. This includes, but is not limited to, disclosure to the parties, their attorneys of record, the attorneys’ firms (i.e., attorneys, support staff, agents and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other persons and/or entities involved in the litigation process.

5. At the conclusion of the litigation as to any party (which shall be defined as the point at which final orders disposing of the entire case as to any party have been entered or the time at which all trial and appellate proceedings have been exhausted as to any party), all persons or entities relating to such parties in possession of health information pertaining to the Plaintiff (other than the person or entity that generated the health information) shall destroy any and all copies of said health information in their possession;
6. This order shall not control or limit the use of PHI pertaining to the aforementioned Plaintiff that comes into the possession of any party or any party's attorney from a source other than a "covered entity" (as that term is defined in 45 CFR §160.103).
7. Nothing in this order authorizes counsel for the Defendant to obtain medical records or information through means other than formal discovery requests, subpoena, depositions, pursuant to a patient authorization or through attorney-client communications. Likewise, nothing in this order relieves any party from complying with the requirements of state and federal law that protects certain drug and alcohol records (42 USC 290dd-3 and 290ee-3 and 42 CFR Part 2).
8. This protective order does not waive the right of the Plaintiff to object to the relevancy, materiality, and admissibility of the information contained in the Plaintiff's health records at the trial of this matter.

DATED this 10th day of February 2022.

BY THE COURT:

  
United States Magistrate Judge

PREPARED BY:

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